

- Application Serial No.: 10/038,626

- **REMARKS**

First, Applicant gratefully acknowledges the courtesies extended by Examiner Ceperley in granting a telephonic interview on October 17, 2006. During that interview, the rejections in the Official Action mailed on July 12, 2006 were discussed and various amendments to the claims were proposed to overcome the rejections. The Applicant's representative also pointed to various portions of the specification that provided written support and an enabling disclosure for the subject matter of Claims 58-64.

The specification has been amended to insert identifying information for U.S. Patent Application No. 09/362,047, which has issued as U.S. Patent No. 6,355,441. The specification has also been amended to include the subject matter of original Claims 29-31. With respect to the claims, Claim 8 has been amended to insert the definition for the substituent "T". Support for this amendment can be found in the specification at least at page 16, lines 2-4. Claim 58 has been amended to correct a typographical error. No new matter has been added and entry is respectfully requested.

Claims 54, 55 and 58-64 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is respectfully traversed.

In particular, support for the limitations of Claims 54, 55 and 58 can be found at least in original Claims 29, 30 and 31, respectively. The specification has been amended to include the subject matter of original Claims 29-31. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Application Serial No.: 10/038,626

Claims 58-64 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. This rejection is respectfully traversed.

According to the Official Action, “there is no enablement for the preparation of the two component system recited in claim 58 and the purpose of the ‘second dendrimer’ cannot be ascertained”. It is respectfully submitted that the specification does, in fact, provide sufficient guidance for one of ordinary skill in the art to make and use the invention as defined in Claim 58 without undue experimentation. Moreover, as set forth above, the specification describes a chemiluminescent substrate delivery system comprising a first dendrimer conjugated to the enzymatically active chemiluminescent substrate moiety and second dendrimer comprising a chemiluminescence enhancer moiety wherein the second dendrimer is covalently or ionically associated with a first dendrimer. It is respectfully submitted that one of ordinary skill in the chemical arts could make the chemiluminescent substrate delivery system as described in the specification without undue experimentation. Moreover, the techniques required to covalently or ionically associate the two dendrimers are well known chemical techniques. Further, it is clear from the description of the chemiluminescent substrate delivery system that the second dendrimer comprising the chemiluminescent enhancing moiety functions to provide enhancement for the chemiluminescent substrate of the first dendrimer. Accordingly, it is respectfully submitted that the “purpose” of the second dendrimer would have been readily apparent to one of ordinary skill in the art (i.e., to provide chemiluminescent enhancement).

Application Serial No.: 10/038,626

Claims 8-15 and 53-64 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly failing being indefinite. This rejection is respectfully traversed.

Claims 8 and 58 have been amended to address the objections set forth in the Official Action. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.



Steven B. Kelber
Registration No. 30,073

October 19, 2006

Date

P.O. Box 2903
Minneapolis, Minnesota 55402-0903
Telephone No. (202) 326-0300
Facsimile No. (202) 326-0778

Christopher W. Raimund
Registration No. 47,258

